

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3503-01  
Bill No.: SB 592  
Subject: Victims of Crime; Firearms and Weapons; Law Enforcement Officers and  
Agencies; Highway Patrol  
Type: Original  
Date: May 4, 2010

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Bill Summary: The proposal modifies various provisions relating to domestic violence.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials from the **Department of Public Safety – Director’s Office, – Missouri State Highway Patrol, Boone County Sheriff’s Department, and the Jefferson City Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would expand the number of persons eligible to file a petition for order of protection.

Currently, in order to qualify for an order of protection, the petitioner must be a family or household member of the respondent or an adult who has been the victim of stalking. The proposed legislation would change the definition of a “family or household member” to include “an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim.”

Under §455.025, RSMo, court clerks must provide assistance with adult abuse forms and procedures. This is very time consuming. There could be a significant increase in the number of cases filed. However, CTS has no way of estimating that increase. Any significant increase would be reflected in future budget requests.

Officials from the **Department of Corrections (DOC)** assume the penalty provision, the component of this bill resulting in potential fiscal impact for DOC, is for a class D felony. Statistics indicate an average time served for an offender sentenced with a class D felony at 15 months or 1.25 years.

This bill creates a new class D felony when a perpetrator possesses a firearm and they have a restraining order against them in defined situations or prior convictions of domestic assault exist.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. The following table indicates data on current crimes and orders of protection:

ASSUMPTION (continued)

Offense	FY06	FY07	FY08
OSCA tracked Charges Filed in MO for Violation of Order of Protection Adult/Child	2,432	2,430	2,123
New Probation/Incarcerations for Misdemeanor Crime of Domestic Assault (RSMo 565.074)	494	441	456

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY09 average of \$16.04 per offender, per day or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

Officials from the **Office of Prosecution Services (OPS)** assume the potential fiscal impact on county prosecuting attorneys will depend on the extent to which law enforcement agencies choose to enforce this provision and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed. OPS assumes this legislation would not have any significant fiscal impact on the OPS.

**Oversight** assumes county prosecutors could absorb any increase in cases referred to prosecutors within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases. SPD assumes a minimal unknown impact.

ASSUMPTION (continued)

**Oversight** assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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**GENERAL REVENUE FUND**

<u>Costs – Department of Corrections</u> Incarceration/probation costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation allows a law enforcement officer to remove a firearm from the scene if the officer has probable cause to believe domestic assault has occurred and has observed a firearm at the scene.

The proposal requires the officer to provide the owner of the firearm with information about retaking it and safe storage during the proceedings related to the alleged act if the firearm is taken from the scene. The owner may retake the firearm within fourteen days after the proceeding unless he or she is ordered to have the firearm confiscated and disposed.

FISCAL DESCRIPTION (continued)

The proposal makes it unlawful for certain persons to possess a firearm. Such persons include those who are subject to a court order that:

1. Was issued after a hearing of which the person had notice;
2. Restrains a person from harassing, stalking, or threatening a family or household member or his or her child; and
3. Includes a finding that such person represents a credible threat to the safety of the family or household member or child or has been convicted of a misdemeanor crime of domestic assault.

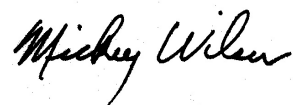
A violation of this provision is a class D felony.

This proposal also modifies the definition of “family or household member” and “domestic violence” in several sections relating to highway patrol reporting of domestic violence and the crime of domestic assault to be consistent with the definition of such terms in Chapter 455, relating to adult abuse, orders of protection, and domestic violence shelters.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety  
    – Missouri State Highway Patrol  
    – Director’s Office  
Office of Prosecution Services  
Office of the State Public Defender  
Boone County Sheriff’s Department  
Jefferson City Police Department



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May 4, 2010

BLG:LR:OD (12/02)